

**REMARKS**

Claims 1-27 are currently pending in this application. Claim 2 has been cancelled, without prejudice. Claims 1, 3-8, 10-12, 24, and 26 have been amended to further define the claimed invention. Applicants submit that no new matter has been introduced into the application by these amendments.

**Claim Rejections - 35 USC § 101**

Claim 12 has been rejected under 35 U.S.C. § 101 for lack of utility. In particular, the Office Action states that “[c]laim 12, having a process completed program step, but lacks utility, wherein ‘a program for causing a computer to execute the procedures’ ... .” Office Action at pgs. 2-3. In response to this rejection, claim 12 has been amended to recite “[a] computer-readable medium encoded with computer-executable white balance processing instructions,” and is believed to overcome this rejection.

**Claim Rejections - 35 USC § 102(b)**

Claims 1-27 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,479,206 (Ueno et al.). Applicants respectfully traverse these rejections for the reasons set forth in detail below.

Claim 1 of the present invention, as amended, is directed to a white balance processing apparatus to detect a white balance value from a taken image, and to correct the detected white balance value so as to set the corrected, detected white

balance value to a white balance processing means. Independent claims 8, 10, 12, 13, 23, 24, 25, and 26, as amended, recite similar subject matter.

Ueno is distinguishable from the present invention because automatic white balance processing is executed based on photometric information obtained from photometric element 20. Unlike the presently claimed invention, Ueno does not detect a white balance value from the taken image to perform white balance processing.

Page 4 of the Office Action states that the parameter setting area **125** in Fig. 8 of Ueno corresponds to the detected value setting means of the present invention. However, the parameter setting area **125** of Ueno is to set the camera control parameter at the time of remote function. In Fig. 19 of Ueno, for example, the content suitable for white balance adjustment is displayed in the parameter setting area **125** at the time of remote. Thus, it the parameter setting area **125** of Ueno is distinguishable from the detected value setting means of claim 1 of the present invention in which a white balance value is detected from the taken image, and the white balance value is set as white balance value of the taken image.

Ueno also fails to teach or suggest a means for correcting detected white balance value and a means for setting the corrected, detected white balance value to white balance processing apparatus as recited in independent claims 1, 10, 12, and 26 of the present invention.

In addition, the invention according to independent claim 13 makes it possible to readily adjust/set an accurate white balance value by displaying side by side histograms by color components (such as R, G, B) on a through image displayed on a monitor. Independent claims 23, 24, and 25, as amended, recite similar subject matter. Ueno is distinguishable because as shown in Figs. 21 and 22, a histogram window 127 is displayed on the frame of display apparatus 40. However, a histogram by color components is not displayed on the display apparatus 40.

Based on the foregoing, Applicants respectfully submit that independent claims 1, 8, 10, 12, 13, 23, 24, 25, and 26 are distinguishable from Ueno. Furthermore, claims 2-7, 9, 11, 14-22, and 27, which depend from 1, 10, 13, and 26, are distinguishable from Ueno for the same reasons.

### **Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

**Applicant:** Hisashi SUEKANE et al.  
**Application No.:** 10/620,118

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1-27, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,  
Hisashi SUEKANE et al.

By /Ryan W. O'Donnell/  
Ryan W. O'Donnell  
Registration No. 53,401

Volpe and Koenig, P.C.  
United Plaza, Suite 1600  
30 South 17<sup>th</sup> Street  
Philadelphia, PA 19103  
Telephone: (215) 568-6400  
Facsimile: (215) 568-6499

RWO/mds